

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RAFAEL J. PETITPHAIT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE PROGRESSIVE	)	
CORPORATION,	)	
	)	
Defendant.	)	

8:11CV114

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On May 25, 2011, the court entered a Memorandum and Order stating its concerns regarding whether subject-matter jurisdiction in this court is proper. (Filing No. [7](#).) The court permitted Plaintiff the opportunity “to file sufficient evidence with the court showing that the amount in controversy is greater than \$75,000.00, the jurisdictional amount.” (*Id.* at CM/ECF p. 4.) On June 23, 2011, Plaintiff filed a “Statement of Evidence” in response to the court’s May 25, 2011, Memorandum and Order. (Filing No. [8](#).)

In his Statement of Evidence, Plaintiff included a statement of medical bills incurred between February 15, 2010, and September 1, 2010, totaling \$2,895.00. (*Id.* at CM/ECF pp. 5-6.) Plaintiff also asserts that, while he doesn’t “have an exact monetary value for the damages,” he expects to “continue [his] treatment for a minimum of 1 (one) year as most accident victims do at 3 (three) visits a week,” and that such treatment would cost \$15,054.00. (*Id.* at CM/ECF p. 1.) Thus, Plaintiff’s alleged damages total \$17,949.00. (*Id.*) The remainder of Plaintiff’s Statement of Evidence argues the merits of his underlying claims. (*Id.*) After carefully reviewing Plaintiff’s Statement of Evidence, the court finds that the amount in controversy is far less than the \$75,000.00 jurisdictional amount.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. 1) is dismissed without prejudice because this court lacks subject-matter jurisdiction.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 17<sup>th</sup> day of August, 2011.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge

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